

Minutes of the Maine Real Estate Commission

OCTOBER 20, 2005

MEMBERS PRESENT

Earl Black
David Kitchen
Susan Lewis Hodgkins
Sharon Millett
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Carol Leighton, Director
Karen Bivins, Deputy Director
Judy Brown, Examiner
Marilyn Lugner, Education Coordinator
Robert Perkins, Assistant Attorney General
Jack Richards, Assistant Attorney General
Susan Greenlaw, Secretary

MEMBERS ABSENT

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 3:40 p.m.

Agenda Modifications

A motion was made by David Kitchen and seconded by Winfred Stevens to add the following to the agenda. Unanimous.

- I. Proposed Consent Agreement
 - A. #2004-020
- II. Proposed Rule Changes for Discussion
 - A. Second Draft – Chapters 320 & 330
 - B. First Draft – Chapters 360, 370, & 390

Minutes – September 22, 2005

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to approve the minutes of the September 22, 2005 meeting as written. Unanimous.

Proposed Consent Agreement

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to approve the proposed Consent Agreement in case number 2004-020. Unanimous.

Closing Statements & Public Deliberations – Director v. David A. Earle

A hearing was held on September 22. Closing statements were submitted in writing. Public deliberations were conducted.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to find Earle in violation of 32 M.R.S.A. §13067(1)(F) and Commission Rules Chapter 330 Section 14. Black, Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed; Hodgkins abstained. Motion carried.

A motion was made by David Kitchen and seconded by Earl Black to find Earle in violation of 32 M.R.S.A. §13067(1)(A). Black, Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed; Hodgkins abstained. Motion carried.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to order the immediate revocation of Earle's license. Black, Kitchen, Millett, Mitchell, and Stevens voted in the affirmative; none opposed; Hodgkins abstained. Motion carried.

Adjudicatory Hearings

The Chair opened the hearing in the matter of Director v. John H. Morrison. The Director was present and represented by Assistant Attorney General Robert Perkins. Morrison was present and represented by attorney Elliot Epstein. Assistant Attorney General Jack Richards advised the Commission. Public deliberations will be conducted at the November 17 meeting.

The Chair opened the hearing in the matter of Director v. Laurence A. Kelly. The Director was present and represented by Assistant Attorney General Robert Perkins. Kelly was present and not represented by an attorney. Public deliberations were conducted at the close of the hearing.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Kelly in violation of 32 M.R.S.A. §§13067(1)(F) and 13197(1). Unanimous.

A motion was made by Winfred Stevens and seconded by Earl Black to order Kelly to pay a fine in the amount of \$100 within 30 days. Unanimous.

The Chair opened the hearing in the matter of Richard L. Boire v. Director. Boire was present and not represented by an attorney. The Director was present. Assistant Attorney General Robert Perkins advised the Commission. Public deliberations were conducted at the close of the hearing.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to order the suspension of course approvals for a period of six months. Unanimous.

DRAFT – Proposed Rule Changes – Chapters 320, 330, 360, 370 & 390 - Discussion continued

The Commission met on October 17 and made recommendations for changes to Chapters 320 and 330. Members received a new draft incorporating the recommended changes as well as a draft of changes to Chapters 360, 370, and 390 for review at the next meeting.

Maine Association of Realtors

Release of Earnest Money – standard contract provision language: Members agreed to respond by indicating that a new rule is pending and providing “pre approval” to contract language is not appropriate.

Electronic Displays and Transmittals of Property Listings: Members agreed to respond by suggesting that a new rule may be proposed that will address this issue.

Correspondence

Sharon Millett – Broker Lien Laws: Provided as information for the Commission.

Ralph A. Dyer – Mechanic’s Lien Law: Provided as information for the Commission; no action necessary.

Jonathan P. Goldstein – Research Proposal – *The Market Value of Mid-Coast Maine Real Estate: A Statistical Approach*: Provided as information for the Commission; no action necessary.

Director’s Report

The next meeting to discuss rules is scheduled for November 10, 2005.

Next Meetings Scheduled for November 10 and 17, 2005

The meeting was adjourned at 3:40 p.m.

This report respectfully submitted,

Sharon Millett
Chairperson

Carol J. Leighton
Director